



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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WASHINGTON, D.C. 20230

APPLICATION NUMBER 097250-056	FILING/RECEIPT DATE 02/12/99	NAMED APPLICANT TOWNSEND AND TOWNSEND AND CREW	ATTORNEY DOCKET NO./TITLE 2307E-852 2500
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020350 026270305  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER EIGHTH FLOOR  
SAN FRANCISCO CA 94111

NOT ASSIGNED

DATE MAILED 42

**BEST AVAILABLE COPY**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(a), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

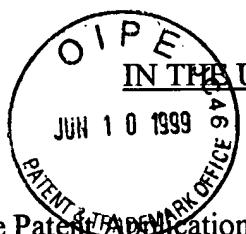
**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules interpretation, call (703) 308-1125.
- ☐ For CRF submission help, call (703) 308-4242.
- ☐ For PatentIn software help, call (703) 308-6858.

*[Signature]*  
Commissioner of Patents and Trademarks

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )

JAMES D. MARKS ET AL. )

Serial No.: 09/250,056 )

Filed: February 12, 1999 )

For: INTERNALIZING ErbB2 )  
ANTIBODIES )

Attention:

BOX MISSING PARTS

San Francisco, California

Box Missing Parts  
Assistant Commissioner of Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on June 7, 1999.

Tammy L. Kaplan  
T. L. Kaplan 6/7/99  
Signature Date

TRANSMITTAL OF MISSING PARTS

Sir:

Transmitted herewith are the missing parts of the above-identified application:


1. Patent Application Declarations; one from each inventor.
2. A Power of Attorney by Assignee And Exclusion of Inventor(s) Under 37 C.F.R. 3.71.
3. Certificate Under 37 C.F.R. § 3.73(b).

4. An Assignment from each Inventors to THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, Form PTO-1595, and a check in the amount of \$80.00 to cover their recordal fee.
5. A copy of the Notice to File Missing Parts of Application (Part 2), and a check in the amount of \$1,097.00 to cover the basic filing fee of \$380.00; the additional claims fee of \$522.00; the multiple dependent claims fee of \$130.00; and \$65.00 for the missing parts surcharge.
6. A Multiple Dependent Claims Fee Calculation Sheet.
7. A Declaration Claiming Small Entity Status - Small Business Concern.
8. A copy of the Notice to Comply with the Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (Part 2).
9. A Preliminary Amendment with "Substitute Sequence Listing", pp. 1 to 7 and a computer readable disk prepared through the use of the software program "PatentIn" (Version 2.0).
10. A Petition for Extension of Time and a check in the amount of \$55.00 to cover the one-month extension fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 13-1030. A duplicate copy of this sheet is enclosed.

Dated: June 7, 1999.

Respectfully submitted,

By:   
Tom Hunter, Reg. No. 38,498  
MAJESTIC, PARSONS, SIEBERT & HSUE P.C.  
Four Embarcadero Center, Suite 1100  
San Francisco, California 94111-4106  
Telephone: (415) 248-5500  
Facsimile: (415) 362-5418

Atty. Docket: 2500.116US3



SECTION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/290.056 02/12/99 MARKS J 2307E-852

NOT ASSIGNED

DATE MAILED: 1642

7/03/05/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1852 097.00

☒ 1. The statutory basic filing fee is:

☒ missing.

☐ insufficient

Applicant must submit \$ 760.500 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27). 273 1652

Additional claim fees of \$ 462.65, including any multiple dependent claim fees, are required.

\$\_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$522702 for 3958 dependent claims over 20.

\$130 260 for multiple dependent claim surcharge.

\$152.00 for multiple dependent claim surcharge.  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

4-3 The oath or declaration:

☒ is missing or unexecuted

☐ does not cover the newly submitted items.

☒ does not identify the application to which it applies

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s) identifying this application by the above Application Number and Filing Date, is required.

6- A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m))

☐ 7 Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

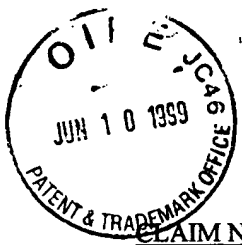
Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

FORM PTO-1623 (REV 9-97)



# MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET

CLAIM NO.

INDEPENDENT

DEPENDENT

1	Independent	1	
2	Dependent on claim 1		1
3	Dependent on claim 1		1
4	Dependent on claim 1		1
5	Dependent on claim 1		1
6	Dependent on claim 1		1
7	Dependent on claim 1		1
8	Dependent on claim 1		1
9	Dependent on claim 1		1
10	Dependent on claim 1		1
11	Dependent on claim 1		1
12	Dependent on claim 11		1
13	Dependent on claim 11		1
14	Dependent on claim 1		1
15	Dependent on claim 1		1
16	Independent	1	
17	Dependent on claim 16		1
18	Dependent on claim 16		1
19	Dependent on claim 16		1
20	Dependent on claim 16		1
21	Dependent on claim 1		1
22	Dependent on claim 1		1
23	Dependent on claim 1 or 16		2
24	Dependent on claim 23		2
25	Dependent on claim 23		2
26	Dependent on claim 23		2
27	Dependent on claim 26		2
28	Dependent on claim 23		2
29	Dependent on claim 23		2
30	Dependent on claim 23		2
31	Dependent on claim 23		2
32	Dependent on claim 23		2
33	Dependent on claim 23		2
34	Dependent on claim 1 or 16		2
35	Dependent on claim 34		2
36	Dependent on claim 34		2
37	Dependent on claim 34		2
38	Dependent on claim 37		2
39	Dependent on claim 34		2
40	Dependent on claim 34		2
41	Dependent on claim 34		2
42	Dependent on claim 34		2
43	Dependent on claim 34		2
44	Dependent on claim 34		2
45	Independent	1	
46	Dependent on claim 45		1
47	Dependent on claim 45		1
48	Dependent on claim 45		1
49	Dependent on claim 45		1
50	Dependent on claim 45		1
51	Dependent on claim 45		1
52	Dependent on claim 45		1
53	Dependent on claims 1 or 16		2
54	Dependent on claim 34		2

Total:

3

75